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This report consists of excerpts from a speech by Lieutenant Colonel Yakopov of the SMA on the administration of justice and the condition of the law courts in the Soviet Occupation Zone. It was delivered at the 11 April 1947 session of the Lander Conference.

1. More than four hundred Nazis, most of them attorneys-at-law, are still active in legal circles in the Russian Zone of Occupation. According to existing directives a former NSDAP member may, under exceptional circumstances, receive special permission to practice law. The exception has recently become the rule, however, and this situation must be changed. SMA Directive No. 49 must be followed to the letter. Not only NSDAP members, but also SA members and young men born after 1 January 1919, must be kept out of the law courts.
2. The distribution of personnel is faulty. Some courts must operate with insufficient personnel, while the provincial ministries of justice use so-called drafted officials (Zakommandierte). And even with this special personnel the ministries have managed their supervisory duties so poorly that a number of judges and court officials have been able profitably to engage in corrupt practices.
3. Too many students are being failed or dismissed from the training courses for prospective lower court judges. This has occurred in every Land in the Russian Zone, and must come to a stop. Fifty per cent of those dismissed are members of the working classes -- precisely the type of men needed for the new German law courts. From now on more care must be taken in the selection of students. In one Land eighty applicants were tested and selected for training in one day, revealing the hasty and slipshod manner in which future judges are chosen. Special tutorial sessions must be arranged for students who are falling behind in their studies, and the SMA must be notified whenever a trainee is failed or whenever a court official leaves the service. Special care must be taken that no Nazi or reactionary ideas are propagated.
4. It has come to the SMA's attention that the orders and directives of the German Central Administration for Justice (Deutsche Justizverwaltung) are being followed in the Lander and provinces only with the greatest reluctance. The provincial ministries of justice have taken the mistaken stand that they come under the exclusive jurisdiction of the provincial governments and have no obligations to the Central Administration. This

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is not so: measures taken by the Central Administration are backed by the authority of the SMA, and are binding on all courts, offices of justice, and notaries public. The German Central Administration for Justice has assumed the responsibility for denazifying the German legal system, for seeing that democratic officials replace the dismissed Nazis, for coordinating the activities of the provincial departments of justice, and for establishing liaison between the SMA and the provincial departments. Local courts and juridical authorities must follow the directives issued by the Central Administration and submit all records and files for its examination.

5. The following measures must be taken for the promotion of closer contact between the various parts of the legal system:
 - a. An increase in the aid given by the German Central Administration for Justice in the drafting and interpretation of statutes.
 - b. More inspections of courts, state attorneys' offices, and other legal offices.
 - c. More conferences between judges and state attorneys for the achievement of a closer coordination of their work.
 - d. More reports to be submitted to the Central Administration on the work of the courts in the various Länder and provinces. All proceedings and trials which are vested with the public interest must be reported.
6. The police and the public prosecutors are not working hard enough. The number of crimes and misdemeanors committed during the first quarter of 1947 (89,960) was only nine per cent less than the figure for the last quarter of 1946 (98,076). Sentences currently passed on criminals are too mild. Out of a total of 11,217 convicted robbers, 5,586 were only assessed fines, 2,793 received three months' imprisonment, and 2,376 from three months to one year. (Comment: The figures in the breakdown do not add up to the total of 11,217). Sentences passed by the courts of appeals are in most cases even milder. Especially weak have been the sentences imposed upon violators of ACC Statutes No. 10 and No. 160.
7. Too much time is being taken in the preparation of cases. Accused persons are frequently held many months in jail before they are given trials. On 1 February 1947 the jails in the Russian Zone contained 11,800 prisoners, 5,600 of whom had not yet been tried. Another serious matter is the large number of prison breakouts: in January 1947 no less than 146 prisoners escaped from confinement.
8. The provincial ministries of justice must make analyses of the incidence of criminality in their areas of jurisdiction. It should be noted, however, that when the SMA speaks of an investigation it does not mean a simple presentation of statistics, but rather a political and sociological study of the factors motivating the current wave of criminality.

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